

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

I-Elijah-Dane: Chaney,

Plaintiff,

v.

TERESA J. WEBB and SUPERIOR
COURT OF SPOKANE COUNTY
WASHINGTON,

Defendants.

NO: 2:22-CV-0183-TOR

ORDER OF DISMISSAL

Federal Rule of Civil Procedure 4 provides that a summons and complaint must be served upon each defendant within 90 days of filing. Rule 4(m) also governs the procedure that a district court must follow in the event that service is not completed within 90 days:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

1 On August 1, 2022, a “Writ in the Nature of Discovery and Affidavit of
2 Truth and Fact” was filed in this case, ECF No. 1, along with the payment of the
3 \$402.00 filing fee. The “Writ in the Nature of Discovery and Affidavit of Truth
4 and Fact” does not constitute a Complaint under the Federal Rules of Procedure,
5 Rule 8. The pleading is incomprehensible and does not state a claim under federal
6 law.

7 On December 8, 2022, this Court Ordered Plaintiff to show cause, on or
8 before December 20, 2022, why this case should not be dismissed for: (1) failure to
9 timely serve the Summons and Complaint upon the Defendants; and (2) failure
10 state a comprehensible Complaint under federal law. Plaintiff has filed no
11 response.

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 All claims and causes of action in this matter are **DISMISSED** without
14 prejudice.

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1 The District Court Executive is hereby directed to enter this Order and
2 Judgment accordingly, furnish copies to Plaintiff at his address of record, and
3 **CLOSE** the file.

4 DATED December 27, 2022.



Thomas O. Rice
THOMAS O. RICE
United States District Judge

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